

CONFORMED

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Primerica Life Insurance Company
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 HERMY A. FUENTES and VIRGINIA
FUENTES,

12 Plaintiffs,

13 vs.

14 PRIMERICA LIFE INSURANCE
15 COMPANY and DOES 1 through 20,

16 Defendants.
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CASE NO.

DEFENDANT PRIMERICA LIFE
INSURANCE COMPANY'S NOTICE
OF REMOVAL PURSUANT TO 28
U.S.C. §§ 1332, 1441 and 1446;
DECLARATIONS OF MAUREEN M.
MIDDLETON AND SARAH
HOUSHIAR IN SUPPORT

[Diversity Jurisdiction]

Complaint Filed: March 24, 2008

ORIGINAL
FILED

APR 29 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

E-filing

ADR
MMC

08-02210

1:\office\10406\018\08pleadings\removal - notice of removal (fed ct).doc

1 TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
2 DISTRICT OF CALIFORNIA:

3
4 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. sections 1332, 1441, and
5 1446, Defendant Primerica Life Insurance Company ("Primerica") hereby seeks
6 removal of civil action, Case No. HG08378091, from the Superior Court of the State
7 of California for the County of Alameda to the United States District Court for the
8 Northern District of California. Removal of this action is proper for the following
9 reasons:

10
11 **PARTIES**

12 1. Primerica is the only non-fictitiously named defendant in the civil action
13 filed on or about March 24, 2008, in the Superior Court of the State of California for
14 the County of Alameda, entitled "*HERMY A. FUENTES and VIRGINIA FUENTES,*
15 *Plaintiffs, vs. PRIMERICA LIFE INSURANCE COMPANY and DOES 1 through 20,*
16 *Defendants,*" Case Number HG08378091. All other remaining defendants named in
17 this action are fictitiously named and need not be considered for purposes of removal.
18 28 U.S.C. § 1441(a). *See also Salveson v. Western Bankcard Assn.*, 731 F.2d 1423,
19 1429 (9th Cir. 1984) (finding non-served defendants need not be joined by the
20 removing defendant). A true and correct copy of the Complaint and accompanying
21 Summons is attached to the Declaration of Sarah Houshiar ("Houshiar Decl."), along
22 with the entire process and pleadings filed in state court, as Exhibit "A".

23
24 **TIMELINESS**

25 2. Primerica was served by mail with acknowledgement of receipt with the
26 Summons and Complaint in this matter by Plaintiffs Hermy A. Fuentes and Virginia
27 Fuentes ("Plaintiffs"), on March 31, 2008. Primerica had not previously received a
28 copy of said Summons and Complaint.

3. This removal is timely under 28 U.S.C. section 1446(b), in that removal is sought within thirty (30) days after service of the Summons and Complaint, which was the initial receipt by Primerica of a copy of the initial pleading in this action.

DIVERSITY JURISDICTION

4. This is a civil action for which this Court has jurisdiction under the provisions of 28 U.S.C. section 1332, and is one that may be removed to this Court by Primerica pursuant to the provisions of 28 U.S.C. section 1441(b), in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, as set forth more fully below.

A. Citizenship

5. At the time this action was commenced in state court, Primerica is informed and believes that Plaintiff Hermy A. Fuentes was and is an individual residing in San Francisco, in the State of California, and domiciled therein. Primerica is further informed and believes that Plaintiff Virginia Fuentes was and is an individual residing in San Francisco, in the State of California, and domiciled therein. *Houshiar Decl.* ¶ 3, Exhibit "B". On information and belief, Plaintiffs' citizenship as residents of California has not changed since the filing of the Complaint.

6. Primerica is, and at all relevant times was, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having its principal place of business in Duluth, Georgia. *See Houshiar Decl.* ¶ 4; excerpt from California Secretary of State's worldwide website¹ attached to the *Houshiar Decl.* as Exhibit "C"; Best's Insurance Report attached to the *Houshiar Decl.* as Exhibit "D."

¹ <http://kepler.ss.ca.gov/corpdata/ShowAllList?QueryCorpNumber=C0155630>

1 A corporation has only one principal place of business. *See* 28 U.S.C. section
2 1332(c)(1); *see also United Computer Systems, Inc. v. AT&T Corp.*, 298 F.3d 756,
3 763 (9th Cir. 2002).

4
5 7. More than 99% of Primerica's assets, worth in excess of \$61 million,
6 and 99.7% of its tangible assets are located in Georgia. Declaration of Maureen M.
7 Middleton ("Middleton Decl."), ¶ 2. In addition, 94% of Primerica's employees are
8 located at Primerica's headquarters in Georgia, including its entire administrative,
9 underwriting and claims department staffs. *Id.*

10
11 8. Based on Paragraphs 5 - 7 above, there is complete diversity of
12 citizenship between Plaintiff and Primerica.

13
14 **B. Amount in Controversy**

15 9. On the face of the Complaint the amount in controversy is in excess of
16 \$75,000.00. The Complaint alleges one cause of action for (1) Breach of Contract.
17 *See* Complaint ¶¶ V – IX.

18
19 10. One need only look at the amount of compensatory damages allegedly
20 due to satisfy the amount in controversy requirements for federal jurisdiction. More
21 specifically, Plaintiffs allege that Primerica failed and refused to pay death benefits to
22 Plaintiffs in the amount of \$150,000. *See* Complaint ¶ VIII.

23
24 **PROCESS**

25 11. As set forth above, Exhibit "A" attached to the Houshiar Decl. ¶ 2,
26 constitutes the entire process and pleadings filed in the state court action.

27
28 12. This Notice of Removal is being filed without prejudice to the objections

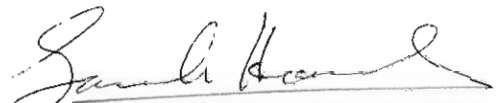
1 and defenses of Primerica.
2

3 13. Written notice of the filing of this Notice of Removal has been given to
4 all adverse parties and a copy has been filed with the Clerk of the Superior Court of
5 the State of California for the County of Alameda in accordance with the provisions
6 of 28 U.S.C. section 1446(d).
7

8 WHEREFORE, Primerica prays that the above action pending in the Superior
9 Court of the State of California for the County of Alameda, Case No. HG08378091,
10 be removed from that Court to this Court.
11

12 Dated: April 22, 2008

BARGER & WOLEN LLP

13
14 By: 
15 GAIL E. COHEN
16 SARAH HOUSHIAR
17 Attorneys for Defendant Primerica
18 Life Insurance Company
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DECLARATION OF MAUREEN M. MIDDLETON

I, Maureen M. Middleton, hereby declare as follows:

1. I am employed as a Vice-President and Assistant General Counsel of Defendant Primerica Life Insurance Company ("Primerica"). In that capacity, I directly participate in the handling of certain benefits claims made under life insurance policies issued by Primerica, including litigation arising out of claims disputes. I have personal knowledge of the facts set forth in this declaration, and if called upon as a witness, could and would competently testify to those facts.

2. More than 99% of Primerica's assets, worth in excess of \$61 million, and 99.7% of Primerica's tangible property, are located in Georgia. In addition, 94% of Primerica's employees, including Primerica's entire administrative, claims handling and underwriting departments are located at Primerica's headquarters in Georgia.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 18th day of April, 2008, at Duluth, Georgia.


MAUREEN M. MIDDLETON

DECLARATION OF SARAH HOUSHIAR

I, Sarah Houshiar, declare as follows:

1. I am an attorney licensed to practice in this Court and all the courts in the State of California and I am an associate with Barger & Wolen, LLP, counsel of record for Primerica Life Insurance Company ("Primerica"), defendant in this action. I am one of the attorneys with responsibility for the handling of this matter. I have personal knowledge of the matters set forth below, and if necessary could competently testify as to such matters.

2. Attached hereto as Exhibit "A" is the entire process and pleadings filed in Superior Court of the State of California for the County of Alameda, Case No. HG08378091.

3. Attached hereto as Exhibit "B" is a true and correct redacted copy of the "Claimant's Statement" for benefits Plaintiffs submitted to Primerica (dated April 11, 2006) that identifies Plaintiffs' residence address as being located in San Francisco, California.

4. Attached hereto as Exhibit "C" is a true and correct copy of an excerpt from the California Secretary of State's worldwide website² indicating that Primerica is incorporated in the Commonwealth of Massachusetts with its principal place of business located at 3120 Breckinridge Boulevard, Duluth, Georgia 30099. Attached hereto as Exhibit "D" is an excerpt from Best's Insurance Report, a guide published by A.M. Best, Inc., providing detailed profiles of insurance company operations and performance, confirming the same.

1
2 I declare under the laws of the State of California and the United States that the
3 foregoing is true and correct.
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5 Executed this 22nd day of April, 2008, at Los Angeles, California.

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8 SARAH HOUSHIAR
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28 ² <http://kepler.ss.ca.gov/corpdata/ShowAllList?QueryCorpNumber=C0155630>.

EXHIBIT A

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
PRIMERICA LIFE INSURANCE COMPANY and DOES 1 through 20

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
HERMY A. FUENTES and VIRGINIA FUENTES

6349341
(SOLO PARA USO DE LA CORTE)

FILED
ALAMEDA COUNTY

MAR 24 2008

CLERK OF THE SUPERIOR COURT
By Cecilia Anchondo Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por Incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
24405 Amador Street, Hayward, CA 94544

CASE NUMBER
(Número de caso)
HC08378091

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Gordon J. Finwall (Bar # 141777) Phone No.: (408) 350-4041
FINWALL LAW OFFICES Fax No.: (408) 350-4042
1501 The Alameda, San Jose, CA 95126

DATE **MAR 24 2008** PAT SWEETEN Clerk, by Cecilia Anchondo Deputy
(Fecha) **MAR 24 2008** EXECUTIVE OFFICER/CLERK (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

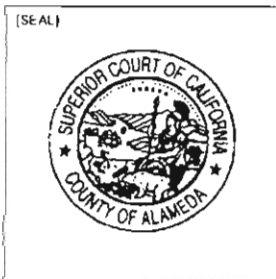
under ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)

☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)

☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):





1 Gordon J. Finwall, SB #141777
2 FINWALL LAW OFFICES
3 1501 The Alameda
4 San Jose, CA 95126
5 (408) 350-4041
6 FAX (408) 350-4042
7
8 Attorneys for Plaintiffs

FILED
ALAMEDA COUNTY

MAR 24 2008

CLERK OF THE SUPERIOR COURT
By Cecilia Amador Deputy

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA
10 (UNLIMITED JURISDICTION)

11
12 HERMY A. FUENTES and VIRGINIA)
13 FUENTES,)

14 Plaintiffs,)

15 vs.)

16 PRIMERICA LIFE INSURANCE)
17 COMPANY and DOES 1 through 20,)

18 Defendants.)

NO.

HG 08378091

COMPLAINT FOR MONEY
(Breach of Life Insurance Contract)

19 Plaintiffs HERMY FUENTES and VIRGINIA FUENTES allege:

20 I

21 Defendant PRIMERICA LIFE INSURANCE COMPANY (hereinafter "PRIMERICA")
22 is a Massachusetts corporation authorized to do business in California by the California Secretary of
23 State and California Department of Insurance with offices in the City of San Leandro, County of
24 Alameda, State of California.

25 II

26 The true names and capacities, whether individual, corporate, associate or otherwise, of
27 defendants named herein as DOES 1 through 20, are unknown to Plaintiffs, who therefore sue these
28 defendants by such fictitious names, and Plaintiffs will amend this complaint to show their true names

COMPLAINT FOR MONEY

1

1 and capacities when they have been ascertained. Plaintiffs are informed and believe and thereon allege
2 that each of the fictitiously named defendants is responsible in some manner for the occurrences herein
3 alleged, and that Plaintiffs' damages as herein alleged were proximately caused by such defendants.

4 III

5 Plaintiffs are informed and believe and thereon allege that at all times herein mentioned,
6 each of the defendants was the agent of each of the remaining defendants, and in doing the things
7 hereinafter alleged, was acting within the course and scope of such agency and with the permission and
8 consent of his/her/its codefendants.

9 IV

10 Plaintiffs are the parents of decedent Mercedes P. Fuentes (hereinafter "decedent"), who
11 died on March 29, 2006.

12 V

13 On or about January 7, 2005, PRIMERICA, in consideration of the payment to it of
14 specified premiums, issued a policy of term life insurance to decedent, specifically policy number
15 0433333419, whereby decedent's life was insured in the face amount of \$150,000.00. Said life
16 insurance policy bears a policy date of January 15, 2005 and an expiry date of January 15, 2051.
17 Plaintiffs, and both of them, are the sole beneficiaries named in the life insurance policy.

18 VI

19 On the date of decedent's death the life insurance policy was in full force and effect.
20 Decedent died in South San Francisco, County of San Mateo, State of California.

21 VII

22 Plaintiffs and decedent performed all the conditions of the life insurance policy on their
23 part to be performed, and, in accordance with the terms of the policy, Plaintiffs gave PRIMERICA due
24 and timely notice and proof of death.

25 VIII

26 Plaintiffs have demanded of PRIMERICA payment of \$150,000.00, the amount in which
27 decedent's life was insured as hereinabove alleged, but PRIMERICA failed and refused, and continues
28 to fail and refuse, to pay the whole or any part of that amount.

IX

As a proximate result of PRIMERICA's failure and refusal as herein alleged, Plaintiffs have been damaged in the sum of \$150,000.00, together with interest thereon at the legal rate in a sum according to proof.


WHEREFORE, Plaintiffs pray judgment against PRIMERICA and DOES 1 through 20, and each of them, as follows:

1. For the sum of \$150,000.00 with legal interest thereon in a sum according to proof;
2. For costs of suit herein incurred; and
3. For such other and further relief as the court may deem proper.

DATED: March 19, 2008

FINWALL LAW OFFICES

By: 
GORDON J. FINWALL, Attorneys
for Plaintiffs

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number and address) Gordon J. Finwall (State Bar # 141777) FINWALL LAW OFFICES 1501 The Alameda, San Jose, CA 95126 TELEPHONE NO. (408) 350-4041 FAX NO. (408) 350-4042 ATTORNEY FOR (Name): Plaintiffs		 *6349345* FILED ALAMEDA COUNTY MAR 24 2008 CLERK OF THE SUPERIOR COURT By <u><i>Jose Pacheco</i></u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS 24405 Amador Street MAILING ADDRESS CITY AND ZIP CODE Hayward, CA 94544 BRANCH NAME		CASE NUMBER 8008378091 JUDGE DEPT
CASE NAME HERMY A. FUENTES v. PRIMERICA LIFE INSURANCE		
CIVIL CASE COVER SHEET		
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

- 1 Check one box below for the case type that best describes this case.
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input checked="" type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|
- 2 This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
- 3 Remedies sought (check all that apply) a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
- 4 Number of causes of action (specify): **ONE (1)**
- 5 This case ☐ is ☒ is not a class action suit.
- 6 If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 19, 2008

 Gordon J. Finwall
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

 Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 (Rev. July 1, 2007)
CIVIL CASE COVER SHEET
 Cal. Rules of Court, rules 2.30 3.220 3.400-3.403 3.740
 Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov
 Lexipol, Inc. Automated California Judicial Council Forms

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)-Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	Construction Defect (10)
	Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09)	Environmental/Toxic Tort (30)
Asbestos (04)	Collection Case-Seller Plaintiff	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Asbestos Property Damage	Other Promissory Note/Collections Case	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Insurance Coverage (not provisionally complex) (18)	Enforcement of Judgment (20)
Product Liability (not asbestos or toxic/environmental) (24)	Auto Subrogation	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Other Coverage	Confession of Judgment (non-domestic relations)
Medical Malpractice-Physicians & Surgeons	Other Contract (37)	Sister State Judgment
Other Professional Health Care Malpractice	Contractual Fraud	Administrative Agency Award (not unpaid taxes)
Other PI/PD/WD (23)	Other Contract Dispute	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Real Property	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Eminent Domain/Inverse Condemnation (14)	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Wrongful Eviction (33)	RICO (27)
Negligent Infliction of Emotional Distress	Other Real Property (e.g., quiet title) (28)	Other Complaint (not specified above) (42)
Other PI/PD/WD	Writ of Possession of Real Property	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Mortgage Foreclosure	Injunctive Relief Only (non-harassment)
Business Tort/Unfair Business Practice (07)	Quiet Title	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Other Commercial Complaint Case (non-tort/non-complex)
Defamation (e.g., slander, libel) (13)	Unlawful Detainer	Other Civil Complaint (non-tort/non-complex)
Fraud (16)	Commercial (31)	Miscellaneous Civil Petition
Intellectual Property (19)	Residential (32)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Drugs (38) (if the case involves illegal drugs, check this item, otherwise, report as Commercial or Residential)	Other Petition (not specified above) (43)
Legal Malpractice	Judicial Review	Civil Harassment
Other Professional Malpractice (not medical or legal)	Asset Forfeiture (05)	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Petition Re Arbitration Award (11)	Elder/Dependent Adult Abuse
Employment	Writ of Mandate (02)	Election Contest
Wrongful Termination (36)	Writ-Administrative Mandamus	Petition for Name Change
Other Employment (15)	Writ-Mandamus on Limited Court Case Matter	Petition for Relief From Late Claim
	Writ-Other Limited Court Case Review	Other Civil Petition
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal-Labor Commissioner Appeals	

Finwall Law Offices
 Attn: Finwall, Gordon J.
 1501 The Alameda
 San Jose, CA 95126

Superior Court of California, County of Alameda

Fuentes

Plaintiff/Petitioner(s)

VS.

Primerica Life Insurance

Defendant/Respondent(s)

(Abbreviated Title)

No. HG08378091

NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER

Unlimited Jurisdiction

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD.

Notice is given that a Case Management Conference has been scheduled as follows:

Date: 10/02/2008 Time: 09:00 AM	Department: 23 Location: Administration Building Fourth Floor 1221 Oak Street, Oakland CA 94612 Internet: http://www.alameda.courts.ca.gov	Judge: Winifred Y. Smith Clerk: Yvonne Bazzell Clerk telephone: (510) 267-6939 E-mail: Dept.23@alameda.courts.ca.gov Fax: 0
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ORDERS

1. You must:
 - a. **Serve** all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (CRC 3.110(b));
 - b. **Give notice** of this conference to any party not included in this notice and file proof of service;
 - c. **Meet and confer**, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 calendar days before the date set for the Case Management Conference;
 - d. **File and serve** a completed Case Management Conference Statement (use of Judicial Council Form CM 110 is mandatory) at least 15 days before the Case Management Conference (CRC 3.725)
2. If you do not follow the orders above, you are hereby ordered to show cause why you should not be sanctioned under CRC 2.30. The hearing on the Order to Show Cause re: Sanctions will be at the same time as the Case Management Conference. Sanctions may include monetary sanctions and any other sanction permitted by law, including striking pleadings or dismissing the action.
3. You are further ordered to appear in person* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.
4. The Direct Calendar Judge will issue orders at the conclusion of the conference that should include:
 - a. Referring to ADR and setting an ADR completion date
 - b. Dismissing or severing claims or parties
 - c. Setting a trial date.

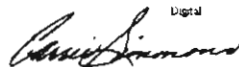
*Telephonic appearances at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties may make arrangements by calling 1-888-882-6878, or faxing a service request to 1-888-882-2946. This service is subject to charges by the vendor.

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 03/28/2008.

By

 Digital

Deputy Clerk

Superior Court of California, County of Alameda



Notice of Judicial Assignment for All Purposes

Case Number: HG08378091
Case Title: Fuentes VS Primerica Life Insurance
Date of Filing: 03/24/2008

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This case is hereby assigned for all purposes to:

Judge:	Winifred Y. Smith
Department:	23
Address:	Administration Building 1221 Oak Street Oakland CA 94612
Phone Number:	(510) 267-6939
Fax Number:	0
Email Address:	Dept.23@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial

Please note: In this case, any challenge pursuant to Code of Civil Procedure §170.6 must be exercised within the time period provided by law. (See Govt. Code 68616(i); Motion Picture and Television Fund Hosp. v. Superior Court (2001) 88 Cal.App.4th 488, 494; and Code Civ. Proc. §1013.)

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

All pleadings and other documents must be filed in the clerk's office at any court location except when the Court permits the lodging of material directly in the assigned department. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO
JUDGE Winifred Y. Smith
DEPARTMENT 23

Counsel are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at: <http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

The parties are always encouraged to consider using various alternatives to litigation, including mediation and arbitration, prior to the Initial Case Management Conference. The Court may refer parties to alternative dispute resolution resources.

(1) Counsel are expected to be familiar and comply with the Statement of Professionalism of the ACBA, www.acbanet.org. (2) Appearances by attorneys who are not counsel of record are not permitted except for good cause. (3) Chambers copies of filings will not be accepted unless specifically requested by the Court. (4) Unrepresented litigants must also comply with the pertinent rules, cited above. (5) All references to "counsel" in this Order apply equally to self-represented litigants. The Court Maintains a Self-Help Center at the Wiley W. Manual Courthouse, 2nd Floor, 661 Washington St., Oakland. Telephone (510) 690-2501.

Schedule for Department 23

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions. The Court prefers that contacts with Department 23 be by e-mail with copies to all other counsel. Counsel must confer with opposing counsel before scheduling a hearing date.

- Trials generally are held: Mondays, Tuesdays, Thursday between 9:30 a.m. and 4:30 p.m. and Wednesdays between 10:00 a.m. and 4:30 p.m. A pre-trial conference may be scheduled two weeks before trial. Pretrial conferences will be at 2:00 p.m. on Fridays.
- Case Management Conferences are held: Tuesdays, Thursdays and Fridays at 9:00 a.m. Timely filed and complete case management conference statements are required and may eliminate the need for a hearing. Tentative Rulings will be available on the Court's website 3 days before the CMC.
- Law and Motion matters are heard: Wednesdays at 9:00 a.m. and Fridays at 9:30 a.m. Only 1 Demurrer and 1 Motion for Summary Judgment/Adjudication will be set on each calendar.
- Settlement Conferences are heard: Fridays at 10:00 a.m.
- Ex Parte matters are heard: Wednesdays and Fridays at 9:00 a.m. A maximum of 3 matters will be scheduled on each calendar. Urgent matters may be specially set by contacting the department.
- (1) Counsel should anticipate and attempt to resolve discovery and other disputes. (2) No discovery motion shall be filed without prior serious efforts to resolve the dispute. (3) A Mandatory Settlement Conferences will be scheduled approximately 30 days before trial. All parties with authority to settle must be personally present. The Court requests that the parties state an objection to the Direct Calendar judge conducting the settlement conference at the time the conference is scheduled.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the

department as follows:

- Motion Reservations
Email: Dept.23@alameda.courts.ca.gov
Phone: (510) 267-6939

The Court prefers that reservations for the Law and Motion calendar be made by e-mail.

- Ex Parte Matters
Email: Dept23@alameda.courts.ca.gov
Phone: (510) 267-6939

Tentative Rulings

The court will issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: www.alameda.courts.ca.gov/domainweb, Calendar Information for Dept. 23
- Phone: 1-866-223-2244

Dated: 03/27/2008

Executive Officer / Clerk of the Superior Court

By



Digital

Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 03/28/2008


By  ^{Digital}
Deputy Clerk

EXHIBIT B

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Hermy A. Fuentes and Virginia Fuentes (b) County of Residence of First Listed Plaintiff (Except in U S Plaintiff Cases). San Francisco, California (c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Gordon J. Finwall, Esq. Telephone: (408) 350-4041 Finwall Law Offices 1501 The Alameda San Jose, CA 95126		DEFENDANTS Primerica Life Insurance Company County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only) Resident of the State of Georgia Attorneys (If Known) Gail E. Cohen (093210) / Sarah Houshiar (235084) Barger & Wolen LLP Telephone: (213) 680-2800 633 West Fifth Street, 47th Floor Los Angeles, CA 90071																			
II. BASIS OF JURISDICTION (Place an X in one box only) <input type="checkbox"/> 1 U S Government Plaintiff <input type="checkbox"/> 3 Federal Question (U S Government Not a Party) <input type="checkbox"/> 2 U S Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width: 40%;">Citizen of This State</td> <td style="width: 10%;">PTF <input checked="" type="checkbox"/> 1</td> <td style="width: 10%;">DEF <input type="checkbox"/> 1</td> <td style="width: 30%;">Incorporated or Principal Place of Business in this State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 4</td> <td style="width: 10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4																
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																
IV. ORIGIN (Place an X in one box only) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																					
V. REQUESTED IN COMPLAINT JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ <u>\$150,000 plus interest</u>																					
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity) Breach of Contract																					
VII. NATURE OF SUIT (Place an X in one box only)																					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U S Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s)

FOR OFFICE USE ONLY: Case Number. _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s) _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges, or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U S government, its agencies or employees is a named plaintiff

Alameda

List the California County, or State if other than California, in which **EACH** named defendant resides (Use an additional sheet if necessary)

☐ Check here if the U S government, its agencies or employees is a named defendant

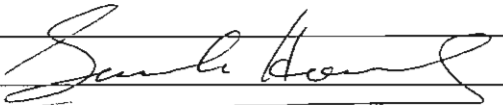
Primerica Life Insurance Company: Incorporated in Massachusetts, with its principal place of business in Duluth, Georgia

List the California County, or State if other than California, in which **EACH** claim arose (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved

Alameda

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date

4/29/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSfD	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))